

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4143 OF 2007

The State of Maharashtra & Ors. ... Petitioners

V/s.

Shri Shankar P. Suryawanshi ... Respondent

Mr.A.P. Vanarse, AGP, for Petitioners

CORAM: SMT.NISHITA MHATRE, J.

DATED: JULY 17, 2007

P.C.:

. In Reference (IDA) No.193 of 1996, the Labour Court, Pune had directed the Petitioner to reinstate the respondent workman in his original post with full backwages from 1.9.1994 till the date of his reinstatement. Since the petitioner did not comply with this award of 24.4.1998, the respondent filed complaint (ULP) No.306 of 1999 under Item 9 of Schedule IV of the MRTU & PULP Act for implementation of the award. The Industrial Court held that the petitioners have committed an unfair labour practice under Item 9 of Schedule IV and directed the petitioners to implement the award in Reference (IDA) No.193 of 1996 within a month from the date of the order. The petitioners have impugned the order dated 18.4.2001 in this petition.

2. Admittedly, the award of 24.4.1998 has not been

challenged in the writ petition. Assuming that the award is incorrect or without jurisdiction, according to the petitioner, it was necessary for the petitioner to challenge that award immediately after it was made. An award of the year 1998 has not been implemented by the State which is expected to act as a model employer.

3. The Industrial Court has committed no error of law while declaring that an unfair labour practice has been committed under Item 9 of Schedule IV of the MRTU & PULP Act. The petition has been filed belatedly; in fact after more than six years and, therefore, it need not be entertained on the ground of delay itself. Apart from this, even on merits, when the award has not been implemented, the Industrial Court has rightly held that the petitioners have committed an unfair labour practice under Item 9 of Schedule IV of the MRTU & PULP Act.

4. Petition rejected.